

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CIAHRA LANISE FRANCK,

Plaintiff,

v.

AMERICAN EXPRESS CO. et al,

Defendants.

CASE NO. 2:24-cv-00990-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiff Ciahra Lanise Franck, who is proceeding pro se, filed her complaint on July 5, 2024, naming American Express Company and Jeff Campbell as Defendants. Dkt. No. 1. A summons was issued as to Defendant American Express on July 9, 2024. Dkt. No. 4. Ms. Franck did not file a summons naming Defendant Jeff Campbell for the Clerk to sign, and therefore no summons as to Mr. Campbell was issued. In the intervening months, no proof of service has been filed and no Defendant has appeared.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” In addition, plaintiffs have a

1 general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587
2 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do not litigate their case,
3 *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439, at *3 (W.D. Wash.
4 Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases and to avoid
5 congestion in the calendars of the District Courts,” federal courts may exercise their inherent power
6 to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31
7 (1962); *see also, e.g., Ville v. Meridian at Stone Creek Assisted Living*, No. C17-913-MJP, 2017
8 WL 4700340, at *1 (W.D. Wash. Oct. 19, 2017). More than 90 days have passed since the
9 complaint was filed, and there is no indication that Ms. Franck has served either Defendant.

10 Although Ms. Franck filed an amended complaint naming these same Defendants on
11 August 8, 2024, Dkt. No. 5, that does not reset the service clock. *See, e.g., Contreras v. Wray*, No.
12 CV 21-9797-JVS (JPR), 2022 WL 3904004, at *4 n.6 (C.D. Cal. June 15, 2022), *report and*
13 *recommendation adopted*, 2022 WL 3910472 (C.D. Cal. Aug. 30, 2022).

14 The Court thus ORDERS Ms. Franck to show cause within 30 days of this Order why the
15 case should not be dismissed for failure to prosecute and failure to serve. If Ms. Franck timely
16 serves copies of the summonses and amended complaint and files proof of the same, the Court will
17 discharge this Order. Failure to respond will result in dismissal of the case without prejudice.

18 Dated this 17th day of October, 2024.

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20 Lauren King
21 United States District Judge
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